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From the Los Angeles Times

Foes of State Pollution Pact With 2 Railroads Urge Panel to Redo It

Air Resources Board will revisit the deal that activists and residents near rail yards term a sellout. Officials call criticism unwarranted.

By Deborah Schoch
Times Staff Writer

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When a study of the health effects of air pollution at a rail yard in rural Placer County turned up evidence of dramatically high cancer risk from diesel-burning locomotives, air regulators, railroads and residents near rail yards across California were jolted into action.

"It was a bombshell," said Sam Atwood, a spokesman for the South Coast Air Quality Management District, which with 19 freight rail yards in the Los Angeles Basin has the largest concentration in the state.

The 2004 study, the first of its kind in the nation, led to a pact between the state Air Resources Board and the nation's two largest railroads, setting forth a road map for cleaning up rail yards statewide.

But some residents and regulators angrily accused the state of selling out and undermining local control. The pact ignited a firestorm so fierce that it continues to cloud the future of railroad regulation in a state grappling with how to move swiftly to reduce cancer-causing emissions from railroads, trucks and ships.

The state board meets today in Sacramento to take another look at its June 2005 memorandum of understanding with Union Pacific Railroad and BNSF Railway, and some critics hope that board members will rethink their endorsement of it. But representatives of the state and the two railroads say the criticisms are unwarranted.

Among the pact's harshest critics are activists in communities flanking the massive rail yards that spread through some of the poorest areas of the Los Angeles Basin, including Wilmington, Commerce and Colton.

Many Angelenos have never seen those yards, with their acres upon acres of gleaming tracks, cranes and diesel-burning locomotives that haul freight across the United States. Commuters on the 710 Freeway must peer over guardrails and concrete balustrades to glimpse the mammoth yards of East Los Angeles and Commerce.

But residents in the largely Latino neighborhoods nearby say they are all too familiar with the noise, glaring lights and diesel fumes emitted by idling locomotives — fumes that they blame for respiratory problems, children's asthma and cancer. Similar concerns have been raised by neighbors of the burgeoning rail yards in Riverside and San Bernardino counties.

Some have portrayed the back-and-forth as a turf battle between state air regulators and Barry Wallerstein, executive officer of the South Coast Air Quality Management District, who has contended that the pact would undermine his district's efforts to regulate the rail yards in a region with the worst air pollution in the United States. Some state air officials say Wallerstein is purposefully stirring up the fight.

But some activists say that depiction is unfair, and that Wallerstein represents the will of residents.

"It's very insulting to the communities who have been working so hard on railroad issues for the past four years to paint it as some bureaucratic ego trip," said Riverside County environmental activist Penny Newman.

"What some of my neighbors talk about is trains idling right in front of their homes for hours on end, sometimes days on end," said Sylvia Betancourt, a staff member with East Yard Communities for Environmental Justice in Commerce.

And residents feel shut out of the process that led to the state pact, she said.

"We feel like the agency is going to go ahead and do what it wants to do anyway," she said.

In the pact, railroads agreed to end all "nonessential" idling, conduct health-risk studies for major railroads, step up the schedule for locomotives in the state to use cleaner fuel and take other steps to reduce emissions.

The section of the pact most criticized by activists is language stating that if a local air district tries to impose regulations stricter than those in the pact, the railroads no longer have to comply with parts of the pact in that district.

Spokesmen for the two railroads, meanwhile, say they entered into the pact last year as the most effective way to ensure the reduction of air pollution from rail lines and yards throughout the state.

They say the "release clause" is not intended to undermine local control but instead to prevent a patchwork of local regulations. And they question how much authority local districts have to regulate the railroads, which cross state lines and are considered a federal responsibility.

"We can't just have a local air district wreak havoc with interstate commerce," said Mark Stehly, a vice president with BNSF Railway.

BNSF and Union Pacific representatives cite a host of steps they are taking to reduce emissions. Those efforts include replacing old locomotives with cleaner-burning models, using stop-and-start equipment to reduce idling and launching locomotives using such new technologies as truck engines that can be made to burn more cleanly than large diesel locomotive engines.

They say they are taking extremely seriously the results of health studies such as the one conducted in Roseville, northeast of Sacramento in Placer County.

That study grew out of local pressure exerted on Union Pacific, operator of the Davis rail yard, the largest such facility on the West Coast.

Tom Kristofk, air pollution control officer in Placer County, and his staff persuaded the state board to conduct a four-year study of the effects of rail-yard emissions on health. The results stunned nearly everyone. Particles from those emissions were found to blanket a 100-acre area in and around Roseville, significantly heightening cancer risk.

With the clout of that study behind him, Kristofk negotiated a voluntary agreement with Union Pacific to reduce diesel emissions from the Davis yard by at least 10% by 2008.

Now, some wonder if such local agreements will be possible if the state pact is in place.

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